

REMARKS

Applicants respectfully request further examination and reconsideration of the Application in view of the above amendments and arguments set forth below. Claims 1-28 were previously pending in the present application. Within the Office Action, Claims 1-28 were rejected.

Substance of Interview Summary

The Applicant thanks the Examiner for conducting an interview with the Applicant's attorney on June 29, 2010. Joseph Weatherbee (64,810) was present at the interview as counsel for the Applicant.

During the interview, the parties first discussed the Applicants' proposed amendment to Claim 1 in view of United States Patent Publication No. 2004/0070567 to Longe et al. (hereinafter referred to as "Longe"). Without intending to mischaracterize the substance of the interview, Applicant is of the opinion that the Examiner agreed that the proposed amendment is adequate overcome a rejection under 35 U.S.C. § 102. However, the Examiner indicated that further search and consideration might allow him to reject the Claim under 35 U.S.C. § 103.

Also during the interview, the parties discussed Applicants' new Claim introducing a limitation directed to "wherein said virtual representation of an indicator system is operable by tracking a user's eye movement, the virtual representation of an indicator

system having at least four outer keys arranged in four substantially-equidistant positions around at an inner, central key; ... an eye movement tracking program controlling the processor so that characters are entered for display in the first functional area in response to a user: indicating at least one desired stroke category from among the first stroke category and the second stroke category by moving said user's eye into the first position selected from among said four substantially-equidistant positions or second position selected from among said four substantially-equidistant positions, thereby causing the program to display at least two candidate characters in the second functional area, wherein said at least two candidate characters are formed, at least in part, by a stroke represented by the desired stroke category; and indicating which of the at least two candidate characters the user wants displayed in said first functional area by blinking." Without intending to mischaracterize the substance of the interview, Applicant is of the opinion that the Examiner agreed that such a claim is allowable if it is adequately supported in the originally-filed disclosure. Mr. Weatherbee agreed to specifically point to the portions of the originally-filed application that disclose the subject matter.

Finally, Mr. Weatherbee indicated the Applicants' desire to expedite prosecution and willingness to discuss any issues arising from this response in a subsequent Examiner-initiated interview. The Examiner replied that he would contact Mr. Weatherbee in the event that he has any questions or if any objections or rejections arise that may be addressed by Examiner's amendment.

Support for Newly-Added Claim

The Applicants' originally-filed specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention. Support for the limitations set forth in Claim 29 is found throughout the specification, and more particularly in paragraph [0056].

Claim Rejections under 35 U.S.C. § 102(e)

Within the Office Action, Claims 1-2, 4-8, and 10-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Longe. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

The Applicants respectfully traverse this rejection because each and every element set forth in Claims 1-2, 4-8, and 10-28 is not found in Longe, either expressly nor inherently described. Specifically, Longe does not describe "an indicator system operable by one human digit, the indicator system having at least four outer keys arranged in four substantially-equidistant positions around at an inner, central key; a processor

responsive to said indicator system being positioned in one of said four substantially-equidistant positions, whereby the indicator system is used to select between candidate characters in the second functional area and to select between said first stroke category and said second stroke category in the third functional area; a program controlling the processor so that characters are entered for display in the first functional area in response to a user: indicating at least one desired stroke category from among the first stroke category and the second stroke category by moving the indicator system into the first position selected from among said four substantially-equidistant positions or second position selected from among said four substantially-equidistant positions, thereby causing the program to display at least two candidate characters in the second functional area, wherein said at least two candidate characters are formed, at least in part, by a stroke represented by the desired stroke category; and indicating which of the at least two candidate characters the user wants displayed in said first functional area by pressing said inner, central key."

Without intending to mischaracterize the substance of the interview, Applicant is of the opinion that the Examiner agreed that the above-listed amendments are adequate overcome a rejection under 35 U.S.C. § 102. Accordingly, Claims 1-2, 4-8, and 10-28 are not anticipated by Longe.

Claim Rejections under 35 U.S.C. § 103

Also within the Office Action, Claims 3 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Longe. To establish a *prima facie* case of obviousness of a claimed invention, all the claimed features must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The Applicants respectfully traverse this rejection, because Longe does disclose all of the limitations of Claims 3 and 9 as explained above. For at least this reason, Claims 3 and 9 are not rendered obvious by Longe.

CONCLUSION

Applicant respectfully posits that the pending claims have been distinguished from the art of record, and that all objections to and rejections of the claims have been overcome. Accordingly, Applicant respectfully requests allowance. Should the Examiner deem it helpful he is encouraged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Weatherbee', is written over the text 'Respectfully submitted,'. The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Joseph Weatherbee

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